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RULES SUPPLEMENT TO PART-I
EXTRAORDINARY
OF

THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

No. 28 | HYDERABAD, THURSDAY, JUNE 18, 2009.

NOTIFICATIONS BY GOVERNMENT

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**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT
DEPARTMENT**

(M1)

AMENDMENTS TO THE ANDHRA PRADESH REGULATION AND
PENALIZATION OF UNAUTHORIZEDLY CONSTRUCTED
BUILDINGS AND BUILDINGS CONSTRUCTED IN DEVIATION
OF THE SANCTIONED PLAN RULES 2007 – HON'BLE HIGH
COURT ORDERS IN W.P.No. 1069 OF 2008 AND BATCH CASES
DATED 08-06-2009.

***[G.O. Ms. No. 395, Municipal Administration & Urban Development
(M1), 17th June, 2009.]***

Read the following:-

1. G.O.Ms.No. 901, MA & UD (M1) Dept., dated: 1.12.2007.
2. G.O.Ms.No. 112, MA & UD (M1) Dept., dated: 1.01.2008.

[1]

G. 198.

3. G.O.Ms.No. 02, MA & UD (M1) Dept., dated: 2.01.2008.
4. Hon'ble High Court Orders in W.P.No. 1069 of 2008 and batch cases dated 08.06.2009.

In the reference 1st cited above, Government have issued orders in Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the sanction plan rules 2007. Government vide reference 2nd cited above, issued certain amendments to the above rules. Hon'ble High Court in W.P.No. 1069 of 2008 and batch cases filed against the Andhra Pradesh Regulation and Penalization of Unauthorizedly constructed buildings and buildings constructed in deviation of the Sanctioned Plan Rules 2007 issued vide GOs 1st & 2nd read above, while upholding the said Rules, and disposing the said writ petitions, the Hon'ble High Court issued certain directions to the Government in its order dated: 08.06.2009 in reference 4th above.

2. Government after careful examination of the matter hereby issue the following Amendments and further orders in partial modification to the said Rules and existing orders and instructions issued vide GOs 1st to 3rd read above:

AMENDMENT

1. The Rule 4 (c), issued vide G.O.Ms.No. 901, MA & UD (M1) Department, dated: 31.12.2007 shall be substituted namely:

“For all buildings, irrespective of its height, necessary certificate of structural safety compliance of the said building shall be submitted from a licensed structural Engineer”.
2. In Rule 9 (h), issued vide G.O.Ms.No. 901, MA & UD (M1) Department, Dated: 31.12.2007 for the words “Areas earmarked for Recreation Use in Master Plan / Zonal Development Plan” shall be substituted with the words “Areas earmarked for open spaces irrespective of any use in Master Plan / Zonal Development Plan”.
3. The Rule 9 (i), issued vide of G.O.Ms.No. 901, MA & UD (M1) Dept., Dated: 31.12.2007, which was deleted in G.O.Ms.No. 112, MA & UD (M1) Department, dated: 31.01.2008 is hereby restored.

4. The Rule 11, issued vide G.O.Ms.No. 901, MA & UD (M1) Department, dt: 31.12.2007 shall be substituted as follows:-

“(1) Any applicant / objector or a third party aggrieved by an order passed by the Competent Authority under Rule 6, may prefer an appeal to the Committee constituted by the Government within thirty days from the date of receipt of the order provided the applicant has paid all the necessary charges and submitted documents as specified in Rule 3 of these rules”.

5. Constitution of Committees:

Under Rule 14, issued vide G.O. 1st read above and in super session of G.O. 3rd read above, Government hereby constitute State Level Monitory Committee and Appellate Committee comprised with the following officials namely:

(A) Monitoring Committee:-

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|-------|---|------------------------|
| (i) | Sri M. Prasad Rao - I.A.S. (Retd) -
Lead consultant SPIU and
former Commissioner & Director of
Municipal Administration. | – Chairman |
| (ii) | Director, Town & Country Planning | – Member |
| (iii) | Professor, Architecture & Urban Planning,
School of Planning and Architecture,
JNTU, Hyderabad. | – Member |
| (iv) | Director, (Planning), HMDA, Hyderabad | – Member |
| (v) | Additional Director of Municipal
Administration office, C&DMA,
Hyderabad. | – Member |
| (vi) | Officer on Special Duty, MA & UD
Department. | – Member
– Convener |
| (vii) | Chief City Planner, GHMC | – Member |

The Monitoring committee shall ensure compliance of the provisions and rules relating to Penalization and disposal of the cases and the said committee shall submit report on the work done at every interval of 6 months to Principal Secretary to Government M.A. & U.D. Department and basing on the report of the Monitoring committee appropriate remedial action shall be taken by the Government.

(B) Appellate Committees:-

(1) (a) For GHMC Area

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| (i) Commissioner & Special Officer,
Greater Hyderabad Municipal
Corporation, Hyderabad. | – Chairman |
| (ii) Chief Engineer (Public Health), | – Member |
| (iii) Director of Town & Country Planning,
Hyderabad. | – Member |
| (iv) Chief City Planner (GHMC) | – Member
– Convener |
| (v) Commissioner and Director of
Municipal Administration, A.P.
Hyderabad. | – Member |

(b) For HMDA Area:

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|--|------------------------|
| (i) Metropolitan Commissioner Hyderabad
Metropolitan Development Authority,
Hyderabad. | – Chairman |
| (ii) Chief Engineer (Public Health)
Engineer-in-Chief (PH), Hyderabad | – Member |
| (iii) Director of Town & Country Planning | – Member |
| (iv) Director (Planning) (HMDA) | – Member
– Convener |
| (v) Commissioner and Director of
Municipal Administration, A.P.
Hyderabad. | – Member |

(2) For other Municipal Corporations / Municipalities:

- (i) Regional Deputy Director, Town Planning – Member
- (ii) Regional Director, Municipal Administration – Chairman
- (iii) Superintendent Engineer (Public Health) – Member
- (iv) Municipal Commissioner – Member
– Convener

(3) Other UDAs:

- (i) Vice Chairman, Urban Development Authority – Chairman
(also convener for Grampanchayats falling in
Urban Development Authority Areas)
- (ii) Municipal Commissioner (for the respective
Municipality / Corporation) – Member
– Convener
- (iii) Superintendent Engineer (Public Health) – Member
(Respective Jurisdiction)
- (iv) Regional Deputy Director, Town Planning – Member
(Respective Jurisdiction)

The Appellate Committee is the appellate authority for reviewing the decisions of the competent authority and disposal of objections received under Rule 11.

3. All the Commissioners of Municipal Corporations / Municipalities and Vice-Chairmen's of UDAs are requested to follow the above orders while disposing the applications received under Building Penalization Scheme.

DR. C.V.S.K. SARMA,
Principal Secretary to Government.

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